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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/691,186
		Filing Date	October 22, 2003
		First Named Inventor	John G. ATWOOD
		Group Art Unit	1744
		Examiner Name	William H. BEISNER
Total Number of Pages in This Submission	7 pages plus 5 documents	Attorney Docket Number	5010-141-01

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition For Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Acknowledgement Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08a (1 page), Form PTO/SB/08b (1 page), Copies of Cited Documents (5 documents), and Credit Card Payment Form for \$180.00.
Remarks		

Customer No. 35411

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leonard D. Bowersox
Signature	
Date	September 20, 2006

## CERTIFICATE OF MAILING

Date: September 20, 2006 Label No. EV333350625US

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, by "Express Mail Post Office to Addressee" service.

Type or printed name	Virginia J. Byers
Signature	
Date	September 20, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which his to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, Washington, D.C. 20231.

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Effective on 12/8/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

 Applicant Claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** **180.00**
**Complete if Known**

Application Number	10/691,186
Filing Date	October 22, 2003
First Named Inventor	John G. ATWOOD
Examiner Name	William H. BEISNER
Art Unit	1744
Attorney Docket No.	5010-141-01

**METHOD OF PAYMENT** (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

 Deposit Account Deposit Account Number: 50-0925 Deposit Account Name: Kilk & Bowersox, P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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**FEE CALCULATION**
**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**
Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity
Fee (\$) 50 Fee (\$) 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Fee (\$) 200 Fee (\$) 100

Multiple dependent claims

Fee (\$) 360 Fee (\$) 180

Total Claims
Extra Claims
Fee (\$)
Fee Paid (\$)
Multiple Dependent Claims
Fee (\$)
Fee Paid (\$)

 - 20 or HP = x = 

HP = highest number of total claims paid for, if greater than 20

Indep. Claims
Extra Claims
Fee (\$)
Fee Paid (\$)

 - 3 or HP = x = 

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

 Other: Fee for Information Disclosure Statement
\$180.00
**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	33,226	Telephone	703-385-9688
Name (Print/Type)	Leonard D. Bowersox			Date	September 20, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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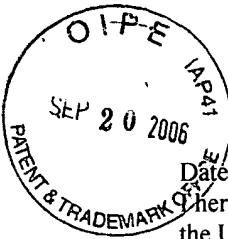
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Virginia J. Byers

Name (Print)

Signature



Date: September 20, 2006 Label No. EV333350625US

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Virginia J. Byers  
Name (Print)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/691,186 Confirmation No.: 6805  
Applicants : John G. ATWOOD et al.  
Filed : October 22, 2003  
TC/A.U. : 1744  
Examiner : William H. BEISNER

Attorney Docket No. : 5010-141-01  
Customer No. : 35411

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

September 20, 2006

**INFORMATION DISCLOSURE STATEMENT**

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Forms PTO/SB/08a and PTO/SB/08b. Copies of the listed documents that have not been filed in a related case and are non-U.S. patents or non-U.S. published patent applications are enclosed.

The attention of the Patent and Trademark Office is also directed to commonly owned and co-pending applications numbers 10/929,961, filed August 30, 2004, 11/433,872, filed May 12, 2006, and 11/433,892, filed May 12, 2006.

Petition is hereby made for consideration of this Information Disclosure Statement, which is being submitted after issuance of an Office Action on the merits but before any final Office Action or Notice of Allowance.

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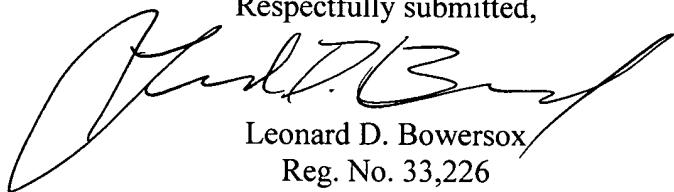
U.S. Patent Application No. 10/691,186  
Information Disclosure Statement dated September 20, 2006

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO/SB/08b be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

A Credit Card Payment Form covering the amount of \$180.00 for the filing of this Information Disclosure Statement is included. The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this Statement to Deposit Account No. 50-0925.

Respectfully submitted,  
  
Leonard D. Bowersox  
Reg. No. 33,226

KILYK & BOWERSOX, P.L.L.C.  
3603-E Chain Bridge Road  
Fairfax, Virginia 22030  
Tel: (703) 385-9688  
Fax: (703) 385-9719

Enclosures: Forms PTO/SB/08a (1 page) and PTO/SB/08b (1 pages) and 5 cited documents



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**Substitute for form 1449A/PTO**

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

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## Complete if Known

Complete If Known	
Application Number	10/691,186
Filing Date	October 22, 2003
First Named Inventor	John G. ATWOOD
Art Unit	1744
Examiner Name	William H. BEISNER
Attorney Docket Number	5010-141-01

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Virginia J. Byers  
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Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/691,186
Sheet 2 of 2				Filing Date	October 22, 2003
				First Named Inventor	John G. ATWOOD
				Art Unit	1744
				Examiner Name	William H. BEISNER
				Attorney Docket Number	5010-141-01
<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city, and/or country where published.			
		OLIVER, Diane G., et al., "Thermal Gradients in Microtitration Plates, Effects of Enzyme-Linked Immunoassay", Journal of Immunological Methods, Vol. 42, 1981, pgs. 195-201.			
		Disclosure of Testimony of Shariar Motakef, Ph.D. Pursuant to Fed. R. Civ. P26(A)(2), re: The Perkin-Elmer Corporation and Roche Molecular Systems, Inc. v. MJ Research, Inc., In the United States District Court for the District of Connecticut, Case No. 3-98-CV-1201 DJS, served August 31, 2000.			
		Supplemental Disclosure of Testimony of Shariar Motakef, Ph.D. Pursuant to Fed. R. Civ. P26(A)(2), re: The Perkin-Elmer Corporation and Roche Molecular Systems, Inc. v. MJ Research, Inc., In the United States District Court for the District of Connecticut, Case No. 3-98-CV-1201 DJS, dated September 27, 2000.			
		Verdict Form re: Applera Corporation and Roche Molecular Systems, Inc. v. MJ Research Inc. and Michael and John Finney, In the United States District Court for the District of Connecticut, 3-98-CV-1201 (JBA), dated April 2, 2004.			
		Claim Construction of Disputed Terms in U.S. Patents 5,333,675, 5,656,493, and 5,475,610, re: Applera Corporation and Roche Molecular Systems, Inc. v. MJ Research inc. and Michael and John Finney, In the United States District Court for the District of Connecticut, 3-98-CV-1201 (JBA), dated November 19, 2003.			
Examiner Signature				Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Name: Virginia J. Byers Signature 